

**MINUTES  
FOR THE REGULAR MEETING  
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD  
Docket No. 5441**

**1. Opening of Meeting:**

The Appeals Board convened at 10:30 a.m., March 9, 2004, in Sacramento, with Chair Cynthia K. Thornton presiding.

**2. Roll Call: Members**

**Present**

**Absent**

Cynthia K. Thornton, Chair  
Miller Medearis, Vice Chair  
Jack Cox  
Don L. Novey  
Virginia Strom-Martin  
Steve Maviglio  
Ann Richardson

x  
x (via phone)  
x  
x  
x  
x  
x

**3. Approval of the Minutes:**

The minutes of the February Board meeting were approved.

**4. Chair's Report:**

Chair Cynthia Thornton reported that she and Chief ALJ/Executive Director Jay Arcellana have been involved in budget meetings with the Labor and Workforce Development Agency (LWDA) and the Employment Development Department (EDD) in preparation for testimony later this month before the State Senate on the budget. Chair Thornton and Chief ALJ/Executive Director Arcellana are visiting the field offices again. They visited the Inland office and reported what's going on in terms of the LWDA budget. Their next visit is at the Pasadena Office of Appeals on Thursday, March 11, 2004.

**5. Board Member Reports/Comments**

Member Richardson thanked Appellate Operations for their fantastic work. She enjoys the cases.

Member Strom-Martin thanked Julie Krebs for the book on orthopedic terminology. It is very helpful in disability cases.

**6. Chief Administrative Law Judge/Executive Director's Report:**

Chief ALJ/Executive Director Arcellana reported the Governor has established the California Performance Review Task Force which will evaluate every department throughout the state for purposes of consolidation, eliminations and reductions.

The members of the task force underwent three full days of training and were sequestered two weeks ago. At the end of June they are expected to submit a comprehensive report to the Governor.

Chief ALJ/Executive Director Arcellana also reported that despite the passage of Propositions 57 and 58, there will still be a severe budget impact on CUIAB. Consistent with that we have had a number of requests from the Department of Finance (DOF) and Legislative Analyst's Office (LAO) for information about the budget reductions. DOF requested information regarding the impact of what they call the 410 reductions which all agencies were required to make back in November. DOF asked for a listing of all eliminated positions by classification and program and analysis of the impact of those reductions to the services provided. The LAO requested information regarding the Board, such as how many times the Board meets, where the meetings are held and workload issues. We submitted the requested information to both the DOF and the LAO. We anticipate this information was gathered for a hearing scheduled before the Assembly Committee on Labor and Employment on March 17 that will consist of the status of the LWDA.

CUIAB received approval from DOF for a blanket exemption for hires. However, we must hire off the SROA lists. CUIAB was also given approval for equipment purchases and leases for facilities. DOF approved our requests because we are under a corrective action plan by the federal Department of Labor (DOL) and we need the resources available to us to liquidate the workload.

EDD expects a tremendous shortfall in the next fiscal year and is asking CUIAB to participate in assisting them with the shortfall so we need to determine how we want to deal with those issues.

## **7. Branch Reports:**

a. Chief ALJ/Executive Director Arcellana reported in February verifications were down 8% below the fiscal average and dispositions were down 6%. This decline was attributed to the fewer number of workdays in February. The overall numbers stayed the same.

The transit trade dispute is registered and the four unions involved are the mechanics, bus operators, supervisors and clericals. At issue are 612 claimants and the cases will soon be set for hearing.

The grocer's dispute resulted in a settlement that included an agreement that the employers will be able to fight any unemployment payments to employees. The union agreed not to expend any funds to protect workers regarding payment of unemployment insurance benefits. Because of this, CUIAB cannot hear the cases at a mass setting and we must notice every claimant from every grocery store. The first hearing is set for this morning and involves Von's grocery store; 275 hearing notices were sent out. At 7:45 a.m. this morning 8 people were waiting to get into the Ronald Reagan building so we're not sure how many claimants will ultimately show up Chief ALJ/Executive Director Arcellana also reported that the

DOL published its annual state performance rankings in which the DOL ranks all states on a number of indicators. CUIAB fared well with the exception of quality of hearings in which California was ranked last. This is a subject of tremendous concern to us and we had a PALJ meeting last week to discuss the issue. The consensus was to move to a calendar requirement that every case would be heard for a minimum of 45 minutes. This is not a labor relations issue because the contract gives management the right to schedule hearings. However, we did send a courtesy notice to the union on this issue.

Following Chief ALJ/Executive Director Arcellana's presentation, a lengthy discussion ensued regarding quality review scores, pre-hearing orientation, varying styles of questioning by different judges, the judicial training program, follow up to training and the role of the PALJs. Several of the members expressed shock that we rank last in the country. Nonetheless, they believe our judges do a good job overall and provide the parties with due process

b. Deputy Chief ALJ Julie Krebs, Appellate Operations, reported they registered 1,251 cases in February, and disposed of 1,263 cases. The workload was down in February because of the fewer number of days in the month. The open balance decreased slightly. Appellate's average case aging dropped from 50 days in January to 46 days in February. Appellate is making the 150 day time lapse criterion.

Deputy Chief Krebs also reported that AO's Legal Support Supervisor II, Marie Martinez, retired. In the interim, LSS I Linda Calvillo has assumed the LSS II duties. Interviews for a new LSS II were conducted. Ana Ibarra, the LSS I in the Sacramento Office of Appeals was selected and she will come to AO on Monday, March 29, 2004. Deputy Chief Krebs commended Linda Calvillo on the superb job she's done as acting supervisor.

c. Deputy Director Pam Boston reported that CUIAB, in conjunction with the State Compensation Insurance Fund, was recognized at the BloodSource Appreciation Day and received the Blood Drive of the Year Award for Participating State Agencies and Largest Increase in Donations awards (50% over last year) for our participation in periodic blood drives. Deputy Director Boston commended and thanked Kim Langan for her hard work in this effort. Deputy Director Boston also reported that the Personnel Transaction unit will be providing attendance clerk training in the Los Angeles and Pasadena Offices of Appeal.

d. Deputy Director Mary Walton-Simons reported that the P&PM Task Force mailed out 4,500 hearing notices on the Albertson's trade dispute. The notices had to be mailed because of the settlement agreement reached between the union and employers. Deputy Director Walton-Simons recognized Paul Prestwich, Brian Halkett and the IT staff for their very responsive technical support with CATS programming which was critical to processing this large trade dispute. Deputy Director Walton-Simons also reported Lois Mannix has completed her supervisory training in the Orange County Office of Appeals. Since October, Lois has trained 12 new supervisors and later this month she will be training the new supervisors in

the Inglewood Office of Appeals. Call letters went out this month and Deputy Director Walton-Simons recognized Renee Erwin and her budget staff in getting those call letters out. Deputy Director Walton-Simons also recognized Renee Erwin and reported she was promoted to SSM II.

**8. Chief Counsel's Report:**

In the absence of Chief Counsel Ralph Hilton, Staff Counsel Kim Hickox gave his litigation report. One new case was filed last month and three were closed. Two of the closed cases were wins and the other was a remand.

**9. New Business**

Margaret Ellison gave a PowerPoint presentation on the background of the HUB and how it came to be.

IT Manager Paul Prestwich gave a PowerPoint presentation on IT's accomplishments, what the staff has worked on this year and what they will continue through to next year.

**10. Public Comment:**

There was no public comment offered.

**11. Closed Session:**

The regularly scheduled Board meeting adjourned, and the Board entered into closed session. No votes were taken on any matters in closed session.